THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25938 OF 2005

Dated: 05-12-2005

Between

Shaik Khadervalli, S/o. Khader Hussain, Occ: Business,R/o. D.No.16-80, Balija Veedhi, B. Kothakota Village and Mandal, Chittoor District and another.

...PETITIONERS

AND

The Secreatry, B. Kothakota Gram Panchayat, B. Kothakota Village & Mandal, Chittoor District and others.

...RESPONDENTS

ORDER:

Heard the learned counsel for the petitioners as well as the learned counsel appearing for the first respondent.

Learned counsel for the petitioners submits that the grand father of the petitioners purchased the land in an extent of Ac.1.59 cents situated in Survey Nos.717 and 718 of Panchayat Road Office,

B. Kothakota Village and Mandal, Chittoor District. The petitioners' grandfather had two sons viz., Khader Hussain, the father of the first petitioner and Abdul Rahim Saheb, the late father of the second petitioner. It is stated that the said property is undivided among the Khader Hussain and his children and Late Abdul Rahim Saheb and his children. It is further stated that certain structures have been made on the schedule land such as wooden bunks, thatched houses. While so, the first respondent Gram Panchayat without issuing

any notice and without following due procedure of law, is threatening to demolish the said structures on the ground that the petitioners have encroached the land belonging to the gram panchayat.

Learned counsel for the petitioners further submits that no notice has been issued with regard to the alleged encroachment or with regard to the illegal constructions and without following due process of law the first respondent cannot demolish the structures belonging to the petitioners.

Having regard to the facts and circumstances of the case, the first respondent is directed not to demolish the structures belonging to the petitioners situate in land measuring an extent of Ac.1.59 cents in Survey Nos.717 and 718 of Panchayat Office Road, B. Kothakota Village and Mandal, Chittoor District, without following the due process of law and without issuing any notice to the petitioners.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 5, 2005

DSK